

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NICOLAS GOUREAU, *et al.*,

Plaintiffs,

v.

MARCUS LEMONIS, *et al.*,

Defendants.

:
:
:
:
:
:
:
:
:
:

Civil Action No. 1:20-cv-04691-MKV

NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO F.R.C.P. 41(a)(1)(A)(i)

Pursuant to F.R.C.P. 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Plaintiffs Nicolas Goureau and Stephanie Menkin, individually and derivatively on behalf of Gooberry Corporation, hereby give notice that the above-captioned action is voluntarily dismissed, without prejudice against all defendants.

Plaintiffs note that they intend to re-file their claims in New York state court pursuant to the Court's directions provided in its October 15, 2021 Order (Dkt. No. 89). As the Court has not reached the issue of leave to amend, Plaintiffs retain their rights to dismiss their claims without prejudice under Rule 41(a)(1)(A)(i) and hereby exercise those rights.

This Notice takes effect upon filing.

Dated: November 18, 2021

Gerard Fox Law P.C.

/s/ Gerard P. Fox

Gerard P. Fox (admitted *pro hac vice*)
1345 Sixth Avenue, 33rd Floor
New York, New York 10105
Telephone: (646) 690-4980
Facsimile: (646) 368-9328
gfox@gerardfoxlaw.com